BOBBY JINDAL
GOVERNOR

PAUL W. RAINWATER
COMMISSIONER OF ADMINISTRATION

State of Louisiana

Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 95

EFFECTIVE DATE: **April 4, 2011**

SUBJECT: **Outside Employment**

AUTHORIZATION: _____
Steven Procopio, Appointing Authority

I. POLICY:

It is the policy of the Division of Administration (DOA) that classified and unclassified employees disclose any outside employment. Disclosure is required because outside employment interferes with the performance of officially assigned duties, creates a conflict of interest, might bring discredit on or cause justifiable criticism of the DOA, require or appear to require use of information obtained in connection with official duties which is not generally available to the public, or conflict with state law or Civil Service Rules.

II. PURPOSE:

The purpose of this policy is to prevent employees from participating in outside employment that may be detrimental to the DOA's mission and public image.

III. APPLICABILITY:

This policy is applicable to all employees of the Division of Administration in all sections, both general and ancillary appropriations.

IV. DEFINITIONS:

Outside Employment (in the context of this policy) - any non-DOA activity for which economic benefit is received, including but not limited to:

- Employment with any non-DOA employer.
- Contracts to provide consulting, personal or professional services to non-DOA individuals or entities.

- Self-employment means an individual who operates a business or profession as a sole proprietor, partner in a partnership, or any other type of legal business entity.

Economic Benefit (in the context of this policy) - Any compensation or benefit an employee receives for his outside employment that has a monetary value, e.g. payroll check, cash payments, share of profits, share of stocks, equity participation, etc.

V. PROHIBITIONS:

All outside employment is subject to the following prohibitions:

- Outside employment shall not interfere with an employee's primary employment with the DOA.
- Employees are prohibited from engaging in outside employment activities that are not approved by the section head.
- Outside employment which violates any prohibition within the Code of Governmental Ethics (La. R.S. 42:1101 et. seq.) will not be approved.
- Outside employment which constitutes prohibited dual employment (La. R.S. 42:61 et. seq.) will not be approved.
- Employees are prohibited from utilizing DOA property or equipment in furtherance of or in connection with outside employment. (Examples: vehicles, office space, computer/data processing, hardware, software, terminals, telecommunications equipment and services).
- Employees are prohibited from performing outside employment activities while on duty in their primary employment with the DOA.
- Employees are prohibited from representing themselves as a DOA employee while engaged in outside employment.

In addition, if the employment is not prohibited by one of these factors, the section head will then evaluate the request using the following criteria:

Does the outside employment –

- Create a conflict of interest.
- Require or appear to require use of information obtained in connection with official duties which is not generally available to the public.
- Conflict with state law or Civil Service Rules.

VI. PROCEDURE:

Within 30 days after the effective date of this policy, all current employees must read the Outside Employment Policy in its entirety. Once read, employees must sign-off on an *Employee Acknowledgement of Outside Employment Policy* form, indicating that they have read and understand the contents of the policy. The acknowledgement form will be forwarded to employees by their section head. After obtaining all current employees signatures, each section must forward the acknowledgement form to the Office of Human Resources (OHR) for filing purposes. The form can be located at: http://www.doa.louisiana.gov/ohr/forms/forms1.htm

All potential new hires and current employees who are in the process of changing positions will be given a copy of the policy and an *Employee Acknowledgement of Outside Employment Policy (New Hire/New Position)* form during the Conditional Offer of Employment (COE) process. If the applicant or current employee indicates on the form that he is engaged in outside employment activities, he will be given an *Outside Employment Disclosure Statement* form to complete. The form will be forwarded by the OHR to the hiring section for review and consideration prior to making an Unconditional Offer. Both forms can be located at: http://www.doa.louisiana.gov/ohr/forms/forms1.htm

Any current employee planning to engage in or already engaged in outside employment activities must complete an *Outside Employment Disclosure Statement* form and forward it to his supervisor for review and consideration.

The supervisor will review the disclosure statement and make a recommendation to approve or deny the request and should forward the completed form to the section head.

The section head will review the disclosure statement and make the decision to approve or deny the request. However, if the section head is unsure, he must consult with the OHR. If necessary, the OHR will contact the Board of Ethics for information.

When the request is either approved or denied by the section head, the form will be returned to the supervisor. The supervisor will notify the employee whether or not the request is approved/denied. The employee will be expected to comply with any specific conditions established by the section head which may include discontinuing the outside employment, if deemed necessary.

Original disclosure statements for outside employment must be forwarded by the section to the OHR for filing and copies should be kept by the supervisor in a confidential file.

VII. RESPONSIBILITY:

Deputy/Assistant Commissioners and equivalent are responsible for:

Holding section heads under their supervision accountable for adhering to all aspects of this policy.

Section Heads are responsible for:

Ensuring that each employee under his supervision is made aware of this policy and its contents.

Providing for formal review of this policy with all employees when it is implemented and on an annual basis thereafter.

Approving or denying outside employment requests.

Requesting assistance as needed from the Office of Human Resources when evaluating outside employment requests.

Ensuring that the conditions of the outside employment are met by employees.

Ensuring that original *Employee Acknowledgement of Outside Employment Policy* and *Outside Employment Disclosure Statement forms* are forwarded to OHR.

Supervisors are responsible for:

Complying with this policy as directed by the section head.

Making recommendations and submitting *Outside Employment Disclosure Statement* forms to the section head for final approval/denial.

Notifying the employee whether or not the outside employment is allowed.

Maintaining copies of outside employment disclosure statement forms in a confidential file.

Employees are responsible for:

Adhering to all aspects of this policy.

Completing an *Outside Employment Disclosure Statement* form for consideration by his supervisor and the sections head. The information provided on the application must accurately and honestly reflect the nature and scope of the intended outside employment activity.

Reporting any changes in outside employment status throughout the year. Bringing matters to the attention of their supervisor if they are unsure about the application to the policy.

Making their supervisor aware of employment that may cause a conflict with their position with the DOA.

Complying with the decision of the section head pertaining to outside employment.

Office of Human Resources is responsible for:

Providing for formal review of this policy with all employees upon hire.

Ensuring that this policy and subsequent revisions are provided to section heads.

Providing assistance to supervisors and sections heads, as requested, in evaluating employee requests for outside employment.

Maintaining original *Employee Acknowledgement of Outside Employment Policy* and *Outside Employment Disclosure Statement* forms.

Contacting the Board of Ethics for information on outside employment, if necessary.

VIII. VIOLATIONS:

Failure to comply with this policy may result in disciplinary action, up to and including termination.

IX. QUESTIONS:

Questions regarding this policy should be directed to the Office of Human Resources.

X. EXCEPTIONS:

Requests for exceptions to this policy shall be justified, documented and submitted to the Appointing Authority for consideration.